

212/543

Remarks

Claims 1 - 6 remain pending in the application. Claims 7 - 16 are withdrawn.

Election/Restriction]

The Application is subject to a restriction requirement. The Applicant elects claims 1 - 6, drawn to a polishing apparatus, without traverse. Claims 7 - 16, drawn to a polishing method, are withdrawn.

Claim Rejections - 35 U.S.C. § 103

The Office Action rejects claims 1, 2, 3 and 6 as obvious over Barbour, Polishing Pad Sensor with Damping Pad, U.S. Patent 6,884,150 (Apr. 26, 2005) in view of Swedek et al., Endpoint Detection with Light Beams of Different Wavelengths, U.S. Patent 6,190,234 (Feb. 20, 2001). The Office Action also rejects claims 4 and 5 as obvious over Barbour in view of Swedek et al., Combined Eddy Current Sensing and Optical Monitoring for Chemical Mechanical Polishing, U.S. Patent Publication 2005/0101224 (May 12, 2005).

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section [103] where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. MPEP section 706.02(1)(1). Barbour and the present Application are owned by the same entity, Strasbaugh, and subject to an obligatory

212/543

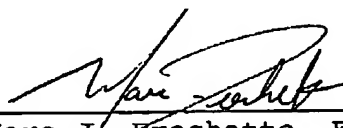
assignment. An assignment of this Application to Strasbaugh was submitted to the U.S.P.T.O. on May 3, 2004. In addition, Barbour was published on November 20, 2003, which is less than one year before the present Application was filed on January 8, 2004. Because the present Application and Barbour are commonly owned, Barbour should be disqualified as prior art. Therefore, withdrawal of these rejections is respectfully requested.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: January 25, 2006

By:



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